

TELLS BOARD IT CANNOT REVERSE ACT OF COUNCIL

City Attorney Upsets Plan to Prevent Sale of Water to Suburbs.

OPINION CLEARLY DEFINES POWERS

Administrative Board Notified That Ordinance Authorizing Use of Water for Laburnum Tract and Woodland Heights Is a Valid, Binding Contract.

Efforts on the part of the Administrative Board to nullify two ordinances of the City Council granting the use of city water to suburban corporations at nonresident rates were checked yesterday, when City Attorney Pollard rendered a written opinion to the board to the effect that it was the province of the City Council to make such contracts, that the Administrative Board has no authority to review and reverse the actions of the Council, and must proceed to supply the water called for by the contracts embodied in the ordinance approved April 11.

At the office of the Administrative Board a request for a copy of the City Attorney's opinion was refused, on the ground that it has not yet been formally presented to the board, the members having been out riding in the afternoon when the paper was received.

Cannot Reverse City Council.

At a meeting of the Council Committee on Streets yesterday afternoon Councilman Mills, who, under the old form of government, was for many years chairman of the Committee on Water, asked City Attorney Pollard whether the Administrative Board has any right to reverse the action of the Council in granting the use of city water to nonresidents at rates established by ordinance.

The Two Ordinances.

Some weeks ago the City Council, on report of the Committee on Ordinances, adopted two ordinances, one granting to Jonathan Bryan and others the right to use city water in the Laburnum tract, in Henrico County, in connection to be made to the Fair Grounds, main already laid in the Hermitage Road, the companion ordinance granting the right to use city water to the Southside Water and Sewerage Corporation in Woodland Heights, connection to be made with the South Richmond supply in Semmes Street. Both ordinances were approved by the Mayor on April 11.

The distributing mains have already been laid in Woodland Heights, which has a partial supply from artesian wells, and desired to buy city water as a supplementary service. Owners of the Laburnum tract bought a pipe from the Virginia Equipment and Supply Co., and proceeded to lay it on their own property in anticipation of the connection.

Holds Up Permits.

On Friday last Superintendent Davis, of the Water Works, laid the two ordinances before the Administrative Board and asked for instructions. The board was held up on motion of Mr. Hirschberg, and the City Attorney was instructed to furnish the board with a report on the available supply of water, as to the quality, size and make of the equipment bought or contracted for to be used on the Laburnum tract, together with the reason therefor. Further motions provided that the profiles and grades of pipe lines in the Laburnum tract must be approved by the Administrative Board, and finally the City Attorney was requested to furnish an opinion on the right of the City Council to pass any such ordinance. This opinion Mr. Pollard has furnished, upholding the right of the Council at every point, holding that the board has no authority beyond the corporate limits, and that

COMPANY UNABLE TO RAISE WAGES

States That It Cannot Afford to Grant Demands of Strikers.

Asheville, N. C., April 28.—This, the third day of the strike of the motor men and conductors of the Asheville Power and Light Company, operating the street railway system of this city, found practically no change in the attitude of either the company or the men. Company officials stated to-night that they had no statement to give out other than those previously given to the effect that the company could not afford to meet the demands of the strikers, who meet the demands of the averaging 3 cents an hour. No cars were operated to-day on any of the company's lines, nor is there any prospect of changed conditions to-morrow.

Following unconfirmed rumors that a squad of sixty strike-breakers was on the way to this city from Salisbury to-night, a mob of three or four hundred men and boys quickly formed on Pack Square, many of them, it is reported, being armed. An apparently riotous report from Salisbury, however, was to the effect that no strike-breakers were aboard Southern train No. 35, and the mob later dispersed.

A citizens' petition was presented to the aldermanic board to-night asking

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GIRL'S ESCAPE MAY BE MEANS OF RECONCILIATION

Friends Believe Mr. and Mrs. Borden Will Be Re-united.



RAMONA BORDEN.

(Special to The Times-Dispatch.)

New York, April 28.—Friends of Gail Borden and Mrs. Borden to-night intimated that among the possibilities of the outcome of the flight and chase after their daughter, Ramona, was a reconciliation of the multimillionaire and his wife.

Mrs. Borden and Ramona are at the Hotel Belmont. Mr. Borden is at the Manhattan. It was said by friends of Mrs. Borden who had seen her that she spoke pleasantly of her husband and expressed great solicitude for the mental worry he had been through because of the escape of Ramona.

Mr. Borden, it is said by persons who have talked with him, has said nothing unkindly about Mrs. Borden and with a short block separating them and a young daughter in touch with them both, friends would not be surprised if there is a reconciliation. They expect it to come gradually, but feel that the way is paved for now.

So far as her flight from the sanatorium at Poughkeepsie is concerned, Ramona Borden takes the blame upon herself. A representative of the Borden family to-day said:

"Ramona met Mrs. White at Savannah and again at Washington. While in Washington she wrote her mother that she wished to go to California and join her, and that she was very unhappy. She telegraphed her mother this."

"Mr. Borden went to Washington and got her and placed her in the sanatorium. Mrs. Borden, in the meanwhile, had written to Mrs. White to look out for her daughter."

"Mrs. White probably exceeded her authority. She drove to the sanatorium and Ramona says she had made up her mind to leave it, and begged Mrs. Backe and Mrs. White and Mrs. White's nieces to take her with them. They did, and they went to Newark and then to New York."

The publicity that followed scared them all. They were going to a cottage in New England, but when they reached New Haven Mrs. White became ill.

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HAYWOOD SPENDS AN HOUR IN JAIL

Labor Leader Says He "Never Was So Mad in His Life."

Patterson, N. J., April 28.—William D. Haywood, indicted for the Passaic County grand jury for inciting to riot, spent an hour in jail to-day. He was released in \$2,000 bail and proceeded to address a gathering of strikers at Turn Hall.

In anticipation of Haywood's arrival and arrest a great crowd of 6,000 had gathered at the station. It was reported that he would arrive on the same train with Carlo Tresca, and that a mob of Gurley Flynn. The demonstration was all arranged for him, as it was known he would be arrested as soon as he stepped from the train.

The police, however, made the arrest aboard the train at Passaic, and brought Haywood here in an automobile.

When he was placed in the car at Passaic, there was a riotous demonstration, with cries of "Throw him in the river," "Duck him," "Put him under the train," but no attack was made.

When the train reached Patterson, Tresca and Miss Flynn shouted to the crowd that Haywood had been taken off the train at Passaic, and was on his way to jail. The crowd made a break up Market Street in the direction of the jail. Haywood was taken in by a rear door. Learning of this, the crowd turned toward the hall, and it was promised Haywood would soon be there.

In an hour he had been taken out. Two bondsmen qualified in \$1,000 each, and he was released.

Before he was freed, he seemed about to break down. He declared he was too angry to sign his name.

"I never was so mad in my life. I come here to help people, and am thrown into jail by the manufacturers."

About the hall a large crowd awaited his coming. It was the same crowd that had marched up Market Street, and had surrounded the jail. In looking for local color was John Reed, a magazine writer of New York.

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PEACE IN BALKANS CERTAIN TO BE OF BRIEF DURATION

With Turkey Out of Way, New War Will Start.

SEVERAL BATTLES ALREADY FOUGHT

Strictest Secrecy Observed, but It Is Known That Hostilities Are Under Way Between Serbia, Bulgaria and Greece. Mystery of Eastern Situation Deepens.

London, April 28.—The mystery surrounding events in the Balkans is deepening. No further news has been received of Essad Pasha's exploits in Albania, and the situation at Saloniki is difficult to understand. A dispatch from Saloniki of current date confirms the report that orders were given for the Bulgarians to evacuate all places occupied by the Greeks, but that later these orders were countermanded, and that official attempts were made to prevent the Bulgarians from being given a Bucharest dispatch dated April 26, to the Daily Telegraph, expresses the firm conviction that immediately peace is signed between the allies and Turkey, a new war will commence between Serbia, Bulgaria and Greece.

A Bulgarian correspondent says that large concentrations of opposing troops are ready for these new campaigns, and adds that he has heard from reliable sources that considerable fighting already has occurred, and that three important engagements were fought last week, concerning which the greatest secrecy has been maintained. He describes fighting with heavy losses on both sides between the Bulgarians and Serbians to the northeast of Monastir on April 19, and fighting between the Greeks and Bulgarians for a week in the vicinity of Nigrita, Seres and Saloniki.

The fact that where a few weeks ago the Serbians were endeavoring to defeat and capture Djavid Pasha's army, these operations appear to have ceased, and suggest that the cessation of the Serbian attack is connected with Essad Pasha's coup.

Apparently the ambassadors' conference in London to-day postponed its decision until the next meeting, which is set for May 1.

No Cause for Pessimism.

London, April 28.—"There is no cause for pessimism even now." This was the only official utterance that could be obtained regarding the reconciliation of the powers on the Balkan situation to-day.

The conference lasted more than three hours, and another arranged for May 1 indicates that the diplomats still expect to find a peaceful solution of the problem caused by Montenegro's defiance of the powers. The representative of the Montenegrin government in London received instructions from Cetinje ordering him to protest formally against the demand for evacuation of Scutari by the immediate evacuation of Scutari by the Montenegrins, which is described by the government of King Nicholas as "unjust and cruel."

The demand of the European powers is couched in the following terms: "We have the honor to declare collectively to the royal government of Montenegro that the taking of any territory of Serbia does not in any way modify the decision of the European powers relative to the delimitation of the frontiers of Northern and Northeastern Albania, and consequently, the city of Scutari must be evacuated by the Montenegrins as soon as possible, and must be handed over to the European powers represented by the commanders of the international naval forces lying before the Montenegrin coast."

The royal government of Montenegro is invited to give a prompt reply to this communication.

The Montenegrin representative in London, to whom this demand was called back from Cetinje, said to-day:

"I have been ordered by my government to protest formally against this."

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GIRL'S MURDERER IS STILL UNKNOWN

Four Men Are Held in Connection With Mary Phagan's Death.

Atlanta, Ga., April 28.—Although four men are held by the police in connection with the murder of Mary Phagan, whose body was found in the basement of the National Pencil Company's factory here early Sunday morning, the identity of the person or persons who killed her remains unknown to-night.

No witnesses were heard at the coroner's inquest this morning, the taking of testimony being deferred by order of Coroner Donohoe until Wednesday. Members of the jury were taken to the place where the girl's body was discovered, and an examination of the premises made. The jury then adjourned.

Two of the arrests were made during the day, chief interest being that of John M. Gant, until recently book-keeper for the pencil company. Acting upon information that Gant had been seen with the Phagan girl, and that he had visited the factory Saturday evening, the police instituted a search for him, which ended in the discovery that he had left Atlanta for Marietta. Authorities at the latter place were notified, and the young man arrested as he was leaving the

city. Gant was taken to the Marietta jail, where he is being held pending further investigation.

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NO WEIGHTY SECRET OR WAR PREDICTION CONVEYED BY BRYAN TO CALIFORNIANS



GOVERNOR HIRAM JOHNSON. SECRETARY OF STATE BRYAN.

HOUSE AMAZED BY REAL 'WAR SPEECH'

Sisson, of Mississippi, Would Throw Gauntlet Down to Japan.

HE UPHOLDS CALIFORNIA

Believes Question Should Be Settled Now, Whatever the Outcome.

Washington, April 28.—A "war speech" in support of the proposed California antilabor law was delivered in the House to-day by Representative Sisson, of Mississippi.

"If we must have war or submit to this indignity, I am for war," cried Mr. Sisson. "I am with the people of California in their efforts to prevent these aliens from acquiring land."

"I believe," said Mr. Sisson, "that no nonresident alien should be allowed to hold a single foot of land in the territory of the United States. What would Washington say in answer to the question, war or submission? What would Cleveland say? What would McKinley say?"

"I resent the efforts of Japan to force us to submit to her demands," Mr. Sisson took the position that the Japanese government, in protesting against alien land legislation was endeavoring to exempt its citizens from the operation of the laws of the States.

Subject to Laws.

"The President and Secretary of State," said Mr. Sisson, "should only assure an alien government that the people of that alien nation would be subject to the laws of the United States. The law of the State and the Federal government taking out from under the laws of the States the citizens of another country, is a violation of the rights of the States. Any other position is a violation of the rights of the States. Any other position is a violation of the rights of the States."

Representative Mann, the Republican leader, suggested the United States had the constitutional right to treat with foreign governments to secure the evacuation of alien property rights abroad, and that Mr. Sisson was contending that the foreign governments did not have a similar right.

Mr. Sisson contended that the people of California had the right to pass laws regarding alien holdings of land as they saw fit, and that the Federal Constitution in their judgment seemed best, when such laws did not infringe upon the Federal Constitution.

Mr. Sisson discussed at length points of international law involved in the dispute and declared that California was endeavoring to do only what Japan had already done.

"If Japan now threatens us with war, what would she do when millions of her citizens have acquired land in our country?" he said.

He lay down the proposition that an alien population holding rights within our borders would be a fixed and constant menace.

"We must preserve to the American farmer the right to own the soil of the country," Mr. Sisson declared, "which would down his standard of living. I would not surrender it unless we had spent the last drop of blood in American manhood and impoverished our country for a hundred generations."

"Treaty making can never deprive the States of a reserved power," continued Mr. Sisson.

"This California question is far-reaching and important in its results. Nearly all of the States have statutes regulating the rights of aliens in reference to acquiring real estate. Nearly every State has some limitation."

Should Take Bold Stand.

"This Democratic administration should announce with no uncertain tone to the world the doctrine that Congress proposes the right of the people of these States to determine who shall own land within the States, and that the United States government will not prevent the States from making such laws as they see fit and proper, provided they do not discriminate against citizens of the United States."

"If the President and Senate should commit themselves to any other condition, we will have internal broils at home and international complications abroad, and the country will be occasioned by the constant complaints of the alien land owner to his own government."

"I accord to the Japanese all the equal rights with ourselves. I would as quickly resent a demand from our government upon Japan, to permit an American citizen to own land in Japan, as I would a demand from Japan, to permit an American citizen to own land in Japan."

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TARIFF DEBATE ENDS IN BURST OF ORATORY

Democrats Laud, While Republicans and Progressives Attack Measure.

COURT PREVENTS ESCAPING DEBTS

Claims Corporation Is Responsible for Obligations of Its Predecessor.

Washington, April 28.—In a decision of momentous importance, especially as to railroads, the Supreme Court to-day laid down the general principle that a creditor of a corporation, not a party to its reorganization, may hold its successor for his debt.

In this specific case the court, five to four, in a decision which Justice Lurton, who dissented, declared "was alarming," held the Northern Pacific Railway Company responsible for a \$125,000 judgment against the Northern Pacific Railroad Company, which it succeeded, despite the fact that the court expressly stated that no moral wrongdoing was to be found in the reorganization.

Corporation lawyers who heard the decision declared it was a direct blow at the practice of reorganization of corporations to get rid of onerous contracts, or escape payment to unsecured creditors. Its effect, they thought, would be far-reaching.

The principle, as laid down by Justice Lurton, was stated in this language: "Corporations insolvent or financially embarrassed often find it necessary to reorganize their affairs, and readjust their issues with an agreement to conduct the same business with the same property under a new organization."

"This may be done in pursuance to a private contract between bondholders and stockholders, and through the corporation property is thereby transferred to a new company having the same shareholders, the transaction would be valid between the parties. But, of course, such a transfer by stockholders from themselves to themselves cannot defeat the claim of a nonassenting creditor. As against him, the sale is void in equity, regardless of the motive with which it was made. For, if such contract organization was consummated in good faith and in ignorance of the existence of the creditor, yet when he appeared and established his debt, the subordinate interest of the old stockholders would still be subject to his claim in the hands of the reorganized company. There is no difference in principle if the reorganization, instead of being effected by private sale, is consummated by a master's deed, under a consent decree."

Neill Is Confirmed.

Washington, April 28.—Despite the declared intention of Senator Tillman to oppose the confirmation of Charles P. Neill as Commissioner of Labor Statistics, the Senate committee to which the nomination had been referred to-day agreed to report it favorably.

SALAZAR'S TROOPS ENGAGE IN MUTINY

Ex-Rebels Refuse to Move Against Insurgents in Chihuahua.

El Paso, Tex., April 28.—Ex-rebel troops under General Jose Salazar mutinied to-day at Casas Grandes, refusing to proceed in the campaign against the Constitutionalists of Chihuahua State.

Salazar, with his staff officers, is reported to be held prisoner by his own men.

The troops, whose leader had accepted the Huerta national government, were ordered to proceed to Chihuahua City to join the active campaign against the insurgents, threatening the state capital from the south. The order when given by Salazar met with refusal by a majority of the men, private advisers relate. All Federal troops had been removed from the Casas Grandes district, center of an extensive American lumbering district along the Mexican Northwestern Railway, a British and Canadian owned line. Traffic on the Northwestern has been halted, and this morning's train returned here.

If the Constitutionalists go over to the Constitutionalists' side, Juarez, Chihuahua City and Parral will be the only points on the border held by the Huerta government. The adjoining

territory will be held by the Constitutionalists.

For Political Effect.

Auburn, N. Y., April 28.—Charges of prison brutality, waste and general incompetency with the management of the Auburn State prison, which were made public last night in the report of Governor Sulzer's special commission of investigation were characterized as "made for political effect" in a statement given out to-day by Warden George W. Benham.

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Neither Does He Expound New Doctrine of States' Rights.

REASONS CALMLY WITH LAWMAKERS

He Tells Them State Has Right to Do as It Pleases and May Enact Law Barring Orientals From Ownership of Land, but It Would Be Against Earnest Wish of National Administration—Suggests Several Alternatives, Basing His Reasons on Broad Ground of Public Policy. Result of His Visit Still in Grave Doubt.

Minds Unchanged by Bryan's Visit

Sacramento, Cal., April 28.—A day of conferences between Secretary of State Bryan and Governor Johnson and members of the California Legislature over proposed antilabor laws ended to-night with the conference adjourned to await replies to messages sent to Washington to-night by Mr. Bryan.

The impression prevailed here when the conference adjourned that the resolution of the majority leaders previously announced to enact a bill specifically denouncing "aliens ineligible to citizenship" from owning land in California remained unchanged, although Mr. Bryan advised strongly against such action. Governor Johnson, however, in a brief address to the conference, declared California's right to follow the lead of other States in framing the land bill was unquestioned, and said such action now seemed assured.

"I have presented the President's views as I understand them," declared Mr. Bryan to the conference. "I have presented the views of the President as I understand them. I shall submit to him the further questions you have asked me, calling attention to the statutes of Washington and Arizona, and I shall be pleased to answer them. I hope to give you his answer."

(By Associated Press.)

Sacramento, Cal., April 28.—California, in the fullness of her rights as a State, may enact a rigid law barring such aliens from ownership, but such action would be against the earnest wish of the national administration.

In the substance of the message William Jennings Bryan, Secretary of State, and personal representative of President Wilson, delivered to-day to a secret conference attended only by Governor Johnson, Lieutenant Governor Walling and members of the California Legislature.

Secretary Bryan arrived in Sacramento at 6 o'clock this morning. With his consent, plans were laid for an immediate hearing, and shortly after 11 o'clock the first session of the conference began. Until the doors of the Assembly chamber were closed and locked, Secretary Bryan refused to give an inkling of his message to any one, even at the conference he spoke only the public domain policy. The hearing, which brought about the present situation.

No New Theory.

Those who expected Secretary Bryan to expound a new theory of States' rights were disappointed, as were those who expected predictions of war. Addressing the members of the conference in the name of President Wilson, he was asked to state to-night whether such advice would overcome the previously announced determination of the Progressive Republican majority to enact an antilabor law along lines already agreed upon.

Secretary Bryan reaffirmed the State's right to act in a manner it saw fit, but suggested several alternatives to the passage of a bill restricting aliens "ineligible to citizenship," basing his reasons on the broad foundation of public policy. Briefly, these alternatives in the order in which they were suggested are as follows:

Delay immediate action and allow the State Department to try to

LENIENT SHERIFF OUSTED BY SULZER

Suffolk County Officer Let Prisoners Attend Races and Ball Games.

Albany, N. Y., April 28.—A new sheriff of Suffolk County was named by Governor Sulzer to-day because the executive does not believe that a man who allows his prisoners to attend race meets and ball games is fit to hold such an office. He so announced in removing Melville E. Brush and appointing D. Henry Brown as his successor.

Investigation of charges against Brush, the Governor declared, showed that the escape from jail of a woman prisoner on the day set for her trial was due to "careless management." The same woman, he says, was entertained at Thanksgiving dinner in the sheriff's apartments, while jewelry of hers was redeemed from a pawnshop.

Continuing the Governor's statement adds:

It is amply proved by the testimony that prisoners serving time were permitted the freedom of the streets outside the jail walls. They cared for a horse, the private property of a sheriff, in a stable some distance from the jail, and also for the horse of a woman prisoner, who was to be tried to-day for racing at the fairs, and these prisoners, acting as stable men, and other prisoners, attended these fairs, took care of the horses at the race meets, dressed up in their everyday clothes, so that it was impossible to distinguish such prisoners from reputable citizens."

Famous Editor Fights Case, but Court Decides Against Him.

(Special to The Times-Dispatch.)

New York, April 28.—Herbert Kaufman, whose genius as a writer has won him distinction, was divorced to-day in the Supreme Court by Helen Herzberg Kaufman. A private agreement was made concerning the alimony she is to receive.

Kaufman is a graduate of Johns Hopkins University, where he won the Lee medal for oratory. While in college he wooed and won Miss Herzberg, a noted Baltimore beauty. After leaving college he became an editorial writer, novelist and magazine editor. He established a Chicago office and later one in New York. He was at one time literary adviser to C. Arthur Pearson, Ltd., of London, and to Frank A. Munsey. He has been an editorial director of the Woman's World since 1910.

The testimony in the case was heard secretly before Judge Augustus S. Norton, referee. He recommended a decree, and Justice Gieglisch approved his report. It was while Mrs. Kaufman was in Europe last fall that her author-husband became friendly with a young woman at No. 300 West Forty-ninth Street. Accompanied by a club companion, he visited an apartment there and later participated in a late supper party at Faust's.

Kaufman denied the charges and retained an attorney to defend the case.